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"In an information distribution system providing content data and asset data <u>comprising navigational information</u> to at least one subscriber, apparatus comprising:
a NULL packet inserter, for inserting NULL transport packets within a transport stream including content packets; and
a transport processor, for replacing at least some of said NULL packets with <u>asset packets comprising said navigational information associated with said content packets</u> to produce a transport stream including content packets <u>comprising said navigational information</u> and asset packets." (emphasis added)

Anticipation requires the presence of a single prior art reference disclosure of <u>each and every element of the claimed invention</u>, arranged as in the claim. (<u>Lindemann Maschinenfabrik GmbH v. American Hoist & Derrik Co.</u>, 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1983)) (emphasis added). The Omoto reference fails to disclose <u>each and every element</u> of the claimed invention, <u>as arranged</u> in the claim.

The Omoto reference fails to teach or suggest "a transport processor, for replacing at least some of the NULL packets with <u>asset packets comprising said navigational information associated with the content packets</u> to produce a transport stream including content packets and asset packets." Rather, the Omoto reference relates to conventional multiplexing of audio and video data packets into a single transport stream (see Omoto, ¶002). In particular, two program streams can be multiplexed together as shown in FIGS. 2 and 3 of Omoto, where the bit rate of one of the program streams is much greater than the bit rate of the other program stream. The stream having the lower bit rate has NULL packets inserted therein prior to multiplexing the two program streams together.

Nowhere in the Omoto reference is there any teaching or suggestion of asset packets, such as the asset packets (e.g., navigational packets) described by the applicants in the specification (see specification page 4, lines 25-33 and page 9, lines 24-30). By contrast, the Omoto reference is limited to disclosing two or more program streams using NULL packets to reserve space in one of the streams prior to inserting a second program stream during multiplexing. Since the Omoto reference fails to teach and disclose "<u>asset packets comprising said navigational information associated with said content packets</u> to produce a transport stream including content packets and asset

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packets," the Omoto reference fails to disclose <u>each and every element</u> of the claimed invention, <u>as arranged</u> in the claim.

As such, the applicants submit that claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Likewise, independent claim 10 recites similar limitations as recited in independent claim 1 and, as such, the applicants also submit that claim 10 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, claims 2-4, 6-8, and 11-16 depend, either directly or indirectly, respectively from independent claims 1 and 10 and recite additional features thereof. As such, and for at least the same reasons discussed above, the applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the applicants respectfully request that the rejections be withdrawn.

2.   <u>35 U.S.C. §103</u>

A.   <u>Claims 5 and 17</u>

The Examiner has rejected claims 5 and 17 under 35 U.S.C. §103 as being obvious and unpatentable over Omoto in view of LaJoie et al. (U.S. Patent No. 5,850,218, issued December 15, 1998, hereinafter "LaJoie"). The applicants respectfully traverse the rejection.

Claims 5 and 17 respectfully depend from independent claims 1 and 10 and recite in part:

> "replacing at least some of said NULL packets <u>with asset packets</u> <u>comprising said navigational information associated with said content</u> <u>packets</u> to produce a transport stream including content packets and asset packets <u>comprising said navigational information</u>." (emphasis added)

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. <u>Jones v. Hardy</u>, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, <u>Bausch & Lomb, Inc. v. Barnes-</u>

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Hind/Hydrocurve, Inc., 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986) (emphasis added).
Moreover, the invention as a whole is not restricted to the specific subject matter
claimed, but also embraces its properties and the problem it solves. In re Wright, 6
U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The combination of
Omoto and LaJoie fail to teach or suggest the applicants' invention as a whole.

In particular, the Omoto reference fails to teach or suggest "replacing at least
some of said NULL packets with asset packets comprising said navigational information
associated with said content packets to produce a transport stream including content
packets and asset packets." Rather, the Omoto reference merely discloses that two
program streams can be multiplexed together as shown in FIGS. 2 and 3 of Omoto.
More specifically, the Omoto reference merely discloses a multiplexer and a NULL
packet generator for multiplexing two or more program streams where the NULL packet
generator inserts NULL packets in one of the program streams to provide an output
transport stream having a transmission rate that is the same kind as the input transport
stream (see Omoto, FIGS. 3 and 6). Nowhere in the Omoto reference is there any
teaching or suggestion of "replacing at least some of the NULL packets with asset
packets comprising said navigational information associated with said content packets
to produce a transport stream including content packets and asset packets."

The LaJoie reference fails to bridge the substantial gap as between the Omoto
reference and the applicants' invention. Specifically, the LaJoie reference discloses an
interactive cable gateway that processes the server signals so that they may be
transmitted over a cable system's communications network (see LaJoie, column 12,
lines 11-13). Even if the two references could somehow be properly combined (and the
applicants submit that they cannot be properly combined), the resultant combination of
Omoto and LaJoie would merely provide an interactive cable gateway for processing
multiplexed signals so that they may be transmitted over a cable system's
communications network to multiple set top terminals. However, nowhere in the
combined references is there any teaching or suggestion of replacing at least some of
the NULL packets with asset packets comprising said navigational information
associated with content packets to produce a transport stream including content

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packets and asset packets. Therefore, the combination of Omoto and LaJoie fail to teach the applicants' invention <u>as a whole</u>.

Moreover, the combination of Omoto and LaJoie fails to <u>embrace the problem that the applicants' invention solves</u>. In particular, the applicants' invention solves the problem of inserting assets comprising navigational information, into a content stream such that there are no severe limitations on changes to the assets. For example, if a bit map asset must be changed to provide new graphic data, the content files for all navigation screens using that bit map need to be remultiplexed, redistributed, and reloaded onto all servers. Additionally, the remultiplexing of the navigation assets and content results in the duplication of the navigation asset data within each of a plurality of content streams including the data (see applicant's specification, page 2, lines 17-24).

Nowhere in the combination of cited references is there any teaching or suggestion for inserting navigational information into a <u>content stream</u> in the manner prescribed by the applicants to avoid the above-described problems. Therefore, the combination of Omoto and LaJoie fails to teach or suggest the applicants' invention <u>as a whole</u>. That is, the combination of Omoto and LaJoie fails to teach or suggest "replacing at least some of the NULL packets <u>comprising said navigational information</u> with <u>asset packets</u> associated with the content packets to produce a transport stream including content packets and <u>asset packets</u>."

As such, the applicants submit that claims 5 and 17 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the applicants respectfully request that the rejections be withdrawn.

B.   Claim 9

The Examiner has rejected claim 9 under 35 U.S.C. §103 as being unpatentable over Omoto. The applicants respectfully traverse the rejection.

Claim 9 depends from independent claim 1 and recites additional limitations thereof. As discussed above, the Omoto reference fails to teach or suggest the applicant's invention <u>as a whole</u>. Specifically, the Omoto reference fails to teach or suggest a transport processor for "replacing some of the NULL packets with <u>asset</u>

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packets associated with the content packets to produce a transport stream including content packets or asset packets comprising said navigational information." That is, the Omoto reference is completely silent regarding producing a transport stream that includes content packets and asset packets comprising said navigational information associated with such content packets. Therefore, the Omoto reference fails to teach or suggest the limitations of claim 9 as a whole.

As such, the applicants submit that claim 9 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the applicants respectfully request that the rejection be withdrawn.

Conclusion

Thus, the applicants submit that claims 1-17 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg or Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2/14/03

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MARKED-UP CLAIMS

Please replace claims 1 and 10 with amended claims 1 and 10 as follows:

1. (twice amended) In an information distribution system providing content data and asset data comprising navigational information to at least one subscriber, apparatus comprising:

    a NULL packet inserter, for inserting NULL transport packets within a transport stream including content packets; and

    a transport processor, for replacing at least some of said NULL packets with asset packets comprising said navigational information associated with said content packets to produce a transport stream including content packets comprising said navigational information and asset packets.

10. (twice amended) In an information distribution system providing content data and asset data comprising navigational information to at least one subscriber, a method for processing content and asset information comprising the steps of:

    inserting, within a transport stream including content packets, a plurality of NULL packets; and

    replacing at least some of said NULL packets with asset packets comprising said navigational information associated with said content packets to produce a transport stream including content packets comprising said navigational information and asset packets.